

WEST TISBURY
CONSERVATION COMMISSION
MINUTES OF MEETING
November 28, 2023

The meeting was held via Zoom in accordance with the Governor’s order suspending certain provisions of the Open Meeting Law, G.L. c.30A sec.20.

Present: Fred Barron, Geraldine Brooks, Whit Griswold, Angela Luckey (arrived at 5:20PM),Chris Lyons, Peter Rodegast, Ernie Thomas, and Michael Turnell

Also present for all or part of the meeting: Prudy Burt, Bryan Collins, Jeffrey Dubard, Johnny Hoy, Steve LaBranche, Deanne McDermott, Rob Moriarty, George Sourati, Mallory Watts, and Seth Wilkins

Whit Griswold called the meeting to order at 5:06 PM.

Minutes: A motion was made by Peter, seconded by Fred to approve the minutes of the November 8, 2023 meeting as corrected. Roll Call Vote: Whit-aye, Fred-Aye, Peter-aye, Mike-aye, Geraldine-aye, and Ernie-aye.

Hearings:

Map 23 Lots 3.1 and 3.2/SE79-459 : a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc. on behalf of Kate and Geoffrey Lauprete and JMMoulton Realty Trust, (Lessee) of property located at **71 and 81 Tisbury Lane West owned by Seven Gates Farm Corporation,** (Lessor) The project consists of the removal of above-ground utility wires and poles, and trenching to install underground service.

Reid was present for the property owner. He went over the project plan and told the members that this is same project the Commission approved in 2018. Eversource was unable to get the work done within the 3 -year permit window, even with a one-year extension. There was no public comment.

After a brief discussion, a motion was made and seconded to approve this project as presented. Roll Call Vote: Whit-aye, Fred-Aye, Peter-aye, Mike-aye, Geraldine-aye, Ernie-aye and Angela – aye.

Map 23 Lots 4, 5 & 9/SE79-460: a public hearing under the requirements of G.L. Ch.131 § 40, as amended and the West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Vineyard Land Surveying & Engineering, Inc. on behalf of Greener Ridge LLC, (Lessee) of property located at **64 Tisbury Lane West, 15 Crowell Lane and 301 South Gate Road** owned by Seven Gates Farm Corporation (Lessor). The project consists of the removal of above-ground utility wires and poles, and trenching to install underground service. The presentation made by Reid noted above also covered the work being done at this property. There was some concern expressed about the condition of the culvert in the driveway. Reid said they will look at it and do what needs to be done.

A motion was made and seconded to approve this project as presented. Roll Call Vote: Whit-aye, Fred-Aye, Peter-aye, Mike-aye, Geraldine-aye, Ernie-aye and Angela-aye.

New Business:

Map 39 Lots 7 , 9, 10 and 11/ Sand for gabion basket/ coir logs at Middle Point Road:

Compliant by Herring Warden on 10/26/23 Informal discussion with Johnny Hoy, Seth Wilkinson and George Sourati.

Johnny gave the board the following “ backstory: He explained that for years Kent Healy used to let the pond level get very high in order to get rid of some of the sand because of the shoaling (and to get a better flush f to reduce the levels of the nitrogen). Then Kent realized that there was a lot of sand building up between Deep Bottom and Tiah’s coves and some of the other coves. Johnny explained that the sandbars build up and choke off the coves. He said he talked with Mal Jones and according to Mal, it is because of the south west winds. The sediment gets in the water, the prevailing southwest wind inexorably moves the sediment up the coves and creates or nourishes the sandbars.

Johnny also said that he started getting complaints about people not being able to get their boats out of Tiah’s Cove. Then water quality issues in the coves because the sandbars were building up and choking off the tips of the coves.

Johnny said he decided that maybe it would be better to do one opening a year when the pond is really high because without a really good opening not as much sand is removed from inside of the pond. He said he understands the purpose of the coir logs and gabion baskets and that the intent is to replicate the natural effects of nature. However, because of the cyanobacteria and a lot of nitrogen coming into the tips of the coves, there is more algae. He would like to keep the sediment moving around in the pond.

Seth Wilkinson of Wilkinson Ecological Resources, the company hired by the property owner to manage and oversee the project at at 234 and 208 Middle Point Road, was present to explain why this work is allowed and is fully permitted.

Seth said that the process originates with the local and state regulations. which protect the function of eroding coastal banks to continue to contribute sediment to the marine system. The actual function of these banks to erode and contribute sediment is protected by law. So, property owners who need a revetment have to preserve that function. With a project like this one, they start by evaluating or looking back at the short-term erosion rate and evaluating what the annual rate of erosion has been. George Sourati’s office does this work. The work at 234 Middle Point Road was originally reviewed by Stan Humphries, a coastal geologist who did a third-party peer review for the Commission. The volume of sediment to be used to nourish the bank was an agreed upon amount. Seth also pointed out that the amount of sediment used is very important to the Natural Heritage and Endangered Species Program because the rare species in the area are reliant on loose available sand in the system.

In order to understand the big picture, he agreed that it seems strange to be trucking it in sand from off island. However, it is an amount that is equal to what would otherwise would be coming out of the bank. It isn’t ever exactly the same volume, because they use a backward-looking model.

Seth noted that higher intensity storm has been happening more frequently for the last couple of decades. The strong winter storms out of the South which has been a phenomenon the last few years are not good for this area. The amount of sand being used is inherently conservative. If one compared the amount being brought into the pond to what would be naturally eroding if there was no protection in place, then over time going forward there would probably be more sand entering the system than the amount of sand that’s being put there now. Some years there is little to no erosion and other years with one big storm there could be a lot more than the 50 cubic yards that are placed on the banks at these properties. All of the data that they rely on comes from NOAH. Warmer atmospheres are stormy and there will be more

energy in the system causing more erosion. So, because of all these factors, in Seth's opinion, the amount of sand they are putting down is an inherently conservative amount. They are using the same method of calculating the amount of sand nourishment at this project the same way the State does and how most municipalities do it. It is inherently conservative.

Seth went on to say that the property owners have been complying with the conditions of the permits on both 208, and 234 Middle Point Road. Seth wasn't sure how it would be possible to change the mechanism for sand nourishment now because these are projects are finished and have ongoing conditions. He thought a new notice of intent could be applied for to try to change that, but the current Orders of Condition can't be amended because the permits are not active.

George added that nourishing the coir logs is basically nourishing the beach which is part of the DEP approval process. Applicants are always encouraged to nourish. George said often he finds that applicants don't want to do nourishment, but that the Conservation Commissions and DEP asks for it.

The amount of nourishment which is being put down once a year is 50 cubic yards on each side of the rock revetment at 208 Middle Point Road. He stated that it is not an excessive number compared to what would naturally occur there. There is also a section of bank (where the rock revetment is) that is probably 300 feet that doesn't get nourished.

Commissioner's Comments/ Questions:

Peter commented that he wondered that if the pond level wasn't allowed to get as high as they have been allowing it to get, then there would likely be less erosion on that bank where the coir logs are, and there would be less need to nourish. Johnny replied that he is aware of this and they try to keep a balance between letting the pond get high enough to get a good opening for water quality.

Whit commented that he understands that the property owner is following the instructions through the Order of Conditions but, from a common-sense point of view, its absurd to be trucking sand in there when right in front of the houses, there is sandy bottom.

Maria asked George and Seth to explain the reason why the triggers for doing the nourishment were changed. Originally the trigger for doing sand nourishment at 234 Middle Point Road was when the coir logs were exposed by more than 12 inches. Now it's just once a year in March, so that's very different. This year, the pond was opened for only about a week before closing. Because of a very large storm there was a significant amount of maintenance work to rebuild the north end of the gabions and coir logs 208 Middle Point Road and it wasn't finished in one visit because the pond closed and to wait until the pond was open again to come back and finish the repairs.

Seth said that the State might potentially work with us on something like that. But he didn't think that the Natural Heritage and Endangered Species Program (NHESP) would. When the pond is high and they have to do the work at the restricted time of year, NHESP gives them a grace period of 3 days making it a mad scramble to here to get the work done. He said that in reality one can make the argument that it takes most species a little bit longer than 3 days to start spending time in an area and to nest and things like that. In Seth's experience, NHESP has been very rigid on other projects. He thought it would be a shame to get everyone aligned only to and ultimately end up getting a "No" know from NHESP. NHESP has had to approve all the changes that we've made over the years going back to the beginning of this project.

There was a brief discussion about the complications involved in getting a dredging project approved so that the sand in the pond could be pulled out and saved to be used when needed. Whit thanked Johnny for bringing this to the Commission's attention but he wasn't sure what could be done. No action was taken.

Mill Pond/Map 32 Lot 100/ 700 Edgartown/West Tisbury Road: Informal discussion on the removal grey willow and Russian olive on the west side of the Mill Pond.

Members had preliminary conversation with Prudy Burt. Prudy and Angela are on the Millbrook watershed management committee., That Committees' data collection report is posted on the town website. They are waiting for their consultant to finish his report and give them his recommendations. One of the recommendations will be about how to deal with invasive grey willow in the environs of the mill pond.

Prudy wanted to get an idea of how the Board might look at an application to remove the grey willows. She noted that there are also a few different owners; the town, private property owners and the Garden Club property who would need to be involved.

Prudy said there have been multiple approaches taken to removal of these invasive plants. One of the problems with these trees is that they really change the hydrology of wetlands because they transpire and evaporate so much water out of the wetland. There are more than 20 trees that would need to be dealt with.

Issues discussed:

- Permitting considerations. Would the Commission consider the use of herbicides?
- Pros and cons of using herbicides vs. machinery
- Impact to the bank if machinery used.
- Project done by Sheriff's Meadow who used Seth Wilkinson's company
- Cost of project: talk with Select Board, look for grant money.

After a lengthy discussion, no action was taken.

Administrative:

Meetings: There was a discussion about going back to in person meetings. Geraldine said she would have to resign as she will be in Australia for a few months. Maria explained the complications of doing hybrid meetings. She suggested they wait until the Paul's Point and 274 Indian Hill Road projects are finished as off island consultants are involved. No action was taken.

FY2025 Budget: A motion was made by Peter, seconded by Geraldine to approve the budget as presented. Roll Call Vote: Whit – aye, Peter-aye, Mike-aye, Fred-aye, Geraldine -aye, and Ernie-aye, (Angela was not present when this vote was taken.).

Community Preservation Committee (CPC): The Commission accepted Angela's resignation from the CPC and thanked her for her service on that committee. A motion was made by Geraldine, seconded by Fred to appoint Ernie to serve as the Commission's appointee to the CPC. Roll Call Vote: Whit – aye, Peter-aye, Mike-aye, Fred-aye, Geraldine -aye, Ernie-aye, and Angela-aye.

There being no new business to discuss, the meeting adjourned at 6:17 PM.

Respectfully submitted,

Maria McFarland
Board Administrator